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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,490	04/19/2004	Randy L. Squier	S67-002-04-US	3289
7590	12/06/2004		EXAMINER	
Moore, Hansen & Sumner 90 South Seventh Street 2900 Wells Fargo Center Minneapolis, MN 55402			WALSH, JOHN B	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/827,490	SQUIER, RANDY L.
	Examiner	Art Unit
	John B. Walsh	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 15-19 is/are allowed.
- 6) Claim(s) 1,2,6,8,9,13 and 20 is/are rejected.
- 7) Claim(s) 3-5,7,10-12,14,21 and 22 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 8, 13 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,887,856 to Percoco et al.

Percoco et al. '856 disclose a lock case assembly including a bolt (16) having at least first and second positions (extended and retracted positions); a lock actuating assembly (18) interconnected with the lock case assembly such that the lock actuating assembly can actuate a change in the position of the bolt from the first position to the second position (knob can actuate the bolt between the two positions by being turned); a mounting plate (50) having an interior side (figure 2; portions away from 30) and an exterior side (figure 2; side closest to 30), the lock actuating assembly being secured to the exterior side (figure 1) and the lock case assembly being secured to the interior side (figure 2; mounted in holes 74, 76) before the preassembled lock assembly is attached to the enclosure door (lock actuating assembly can be installed into the assembly of figure 2 and then the cover of figure 3 attached as the preassembled lock and can then be attached to the enclosure door preassembled), the lock assembly can be secured within a lock receiving opening (figure 4; opening in 2) of a door by at least one interior mounting plate securing bracket (32) secured to the interior side of the mounting plate and effectively gripping at least one of the plurality of lock assembly receiving opening edges (40) that interconnect with

each other to fully surround the lock receiving opening (the edges are connected with other edges and these edges form a three dimensional perimeter that fully surround the opening).

As concerns claims 6 and 13, a plurality of drilled and tapped holes (99).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,887,856 to Percoco et al. as applied to claims 1 and 8 above in view of U.S. Patent No. 5,113,675 to Uyeda.

Percoco et al. '856 do not disclose an electronic lock.

Uyeda '675 teaches an electronic lock where access codes can be entered (figure 1; 86).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lock of Percoco et al. '856 with an electronic lock, as taught by Uyeda '675, in order to provide enhanced security to the lock assembly.

***Allowable Subject Matter***

5. Claims 15-19 are allowed.

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6. Claims 3-5, 7, 10-12, 14, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed September 21, 2004 have been fully considered but they are not persuasive.

In response to Applicant's argument that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. In re McLaughlin, 443 F.2d 1392; 170 USPQ 209 (CCPA 1971).

As concerns the applicant's new limitation of the plurality of lock assembly receiving opening edges (40) that interconnect with each other to fully surround the lock receiving opening, the edges are connected with other edges and these edges form a three dimensional perimeter that fully surround the opening.

As concerns the applicant's argument that further assembly to fully secure the plate and block would be required. The assembly of Percoco et al. is capable of being placed in a pre-assembled form as described in paragraph 2 above. The use of the term pre-assembled has been given the broadest reasonable interpretation, wherein an assembled structure may comprise

multiple pre-assembled states. Percoco et al. can contain a pre-assembled state for solving the problem of attaching to a door. The applicant's argument that screws 100 would have to be tightened after the assembly is placed in the door does not refute that the assembly is in a pre-assembled state and is attached to the door prior to a possible further tightening. Furthermore it would appear the applicant's hardware would have to be tightened and secured after 8 and 6 are placed through the opening 26 as shown in figure 3.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

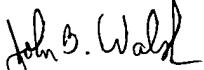
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Friday from 6:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John B. Walsh  
Primary Examiner  
Art Unit 2151